



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
COTTENS ET AL.

APPLICATION NO: 09/738,104

FILED: December 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS

Art Unit: 1623

Examiner: Preselev, E.

Date: April 28, 2006

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

Also enclosed is a check in the amount of \$130.00 to cover the fee under 37 CFR §1.20(d).

The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 04-1121 in the name of Dilworth and Barrese. An additional copy of this paper is here enclosed.

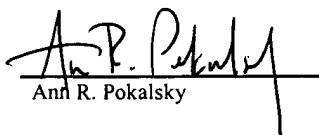
Respectfully submitted,

  
Ann R. Pokalsky  
 Ann R. Pokalsky  
 Attorney for Applicants  
 Reg. No. 34,697

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 28, 2006.

Dated: April 28, 2006

  
 Ann R. Pokalsky



CASE 100-8186C/C2  
(167-52)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1623

COTTENS ET AL.

APPLICATION NO: 09/738,104

EXAMINER: PRESELEV, E.

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer in U.S. Patent No. 5,932,243. Said U.S. Patent is also assigned to Novartis AG by virtue of said assignment and of an assignment which was recorded in the United States Patent and Trademark Office on June 4, 1999 at Reel/Frame 010001/0148.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and said patents are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the

05/03/2006 SFELKE1 00000022 09738104  
130.00 DP  
02 FC:1814

full statutory term as defined in 35 USC §154-156 and §173 of U.S. Patent No. 5,932,243 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 28<sup>th</sup> day of April, 2006 by the undersigned attorney of record.

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7859

Thomas R. Savitsky  
Thomas R. Savitsky  
Attorney for Applicants  
Reg. No. 31,661

MAY 02 2006

## PATENTS ONLY

Case 100-8186C

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): 1. Sylvain Cottens; 2. Barbara Haeberlin 3. Richard Sedrani; 4. Jacky Vonderscher		2. Name and address of receiving party(ies) Name: <u>Novartis AG (formerly Sandoz Ltd.)</u>    
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____		Street Address: <u>Lichtstrasse 35</u>   
Execution Date: <u>1. 11/12/96; 2. 11/13/96; 3. 11/14/96;</u>  <u>4. 11/18/96</u>		City: <u>Basel</u> State: <u>Switzerland</u> ZIP: <u>4056</u>
		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is: _____		
A. Patent Application No.(s)  <u>09/738,104</u>	B. Patent No.(s)	
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <u>Novartis</u>  Internal Address: <u>Corporate Intellectual Property</u>  Street Address: <u>One Health Plaza, Building 104</u>  City: <u>East Hanover</u> State: <u>NJ</u> ZIP: <u>07936-1080</u>		6. Total number of applications and patents involved: <u>1</u>
		7. Total fee (37 CFR 3.41) \$ <u>40</u>
		<input type="checkbox"/> Enclosed
		<input checked="" type="checkbox"/> Authorized to be charged to deposit account and any other additional fees required.
8. Deposit account number:  <u>19-0134 (in the name of Novartis)</u>		(Attach duplicate copy of this page if paying by deposit account)
DO NOT USE THIS SPACE		
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>		
Thomas R. Savitsky Name of Person Signing Reg. No. 31,661	<u>Thomas R. Savitsky</u> Signature	<u>April 28, 2006</u> Date
<input checked="" type="checkbox"/> Certificate of Express Mail below		
Total number of pages including cover sheet, attachments, and document: <u>2</u>		

### **9. Statement and signature.**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Thomas R. Savitsky

Name of Person Signing  
Reg. No. 31.661

**Signature**

April 28, 2006

Date \_\_\_\_\_

Certificate of Express Mail below

Total number of pages including cover sheet, attachments, and document:

2

**Mail documents to be recorded with required cover sheet information to:  
Director of the US Patent and Trademark Office, PO Box 1450**

U.S.A.

Case 100-8186/PCT

A S S I G N M E N T

I/We, Sylvain Cottens, Barbara Haeberlin, Richard Sedrani and Jacky Vonderscher, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby sell and assign to SANDOZ LTD., a company organised under the laws of the Swiss Confederation, of CH-4002 Basle, Switzerland, its successors and assigns, all my/our right, title and interest, in and for the United States of America, in and to the

PHARMACEUTICAL COMPOSITIONS

invented by me/us and described in the specification for United States Letters Patent therefor, executed on even date herewith, and all United States Letters Patent which may be granted therefor, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by the said SANDOZ LTD., its successors, assigns or other legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me/us if this assignment and sale had not been made;

And I/we hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the said SANDOZ LTD.

Signed this 12 day of November 1996

Sylvain Cottens

Sylvain Cottens

Signed this 13 day of November 1996

Barbara Haeberlin

Barbara Haeberlin

Signed this 14 day of November 1996

Richard Sedrani

Richard Sedrani

Signed this 18 day of November 1996

Jacky Vonderscher

Jacky Vonderscher